

***Revised**

78.

A Special Meeting of the City Council was held on Monday, June 17 2019 in the City Council Chambers, 2nd floor of City Hall, 45 School St., Brockton, MA. Councillor Rodrigues presiding. The meeting was called to order at 6:07pm with nine members present. Councillors Cruise and Monahan absent.

Councillor Sullivan asks for a moment of silence for a Brockton resident and business owner Ilias Lainas, who owned Legion Parkway Cleaners. Our thoughts are with his family.

SPECIAL MEETING OF THE BROCKTON CITY COUNCIL
AGENDA

Council Chambers, 2nd. Fl. City Hall,
45 School St., Brockton, MA

Monday June 17, 2019
6pm

The Council President stated that Councillor Cruise was absent due to surgery and Councillor Monahan got called in to work unexpectedly, so he is absent also.

269 Call of the meeting

Accepted and placed on file.

270 Officers Return of Notice

Accepted and placed on file.

271 Report of the Finance Committee for the meetings of June 3, 4 and 5, 2019.

Accepted and placed on file.

238 Brockton FY 20 Budget (A Public Hearing was held on Monday, June 3, 2019 at 6:30pm at which time any interested party in the Fiscal Budget were welcome to speak on the budget. The Public Hearing was closed and the budget process began with the Mayor, and Department Heads answering questions on their budgets. This discussion of the budget took place on June 3, June 4 and June 5, 2019. It was established that any amendments to this budget will be made and voted on in the upcoming Special Meeting of the City Council on June 17, 2019 at 6pm in the Council Chambers, second floor of City Hall, 45 School St., Brockton, MA).

President Rodrigues asks if anyone has any amendments to the budget for FY2020.

Councillor Beauregard stated that she has 2 amendments 1. She motioned to reduce the Planning Personal Services-Other than Overtime account by \$80,000, the appropriation in that account is reduced from \$424,222.00 to \$344, 222.00 , and 2. She motioned to reduce the Planning Personal Services-Other than Overtime account by \$40,000, the appropriation in that account is reduced from \$424,222.00 to \$384, 222.00 , and was properly seconded by Councillor Derenoncourt. She stated that it wasn't fiscally sound.

Councillor Sullivan, on the motion, questioned the CFO if the Law Department had any opinion on this? The CFO stated that he did have a conversation Attorney Bridges and we will have comment by the end of the week.

- Councillor Farwell thinks we need to do something. It seems like we are not following through with projects . He mentioned the Downtown Traffic Study for two way traffic with no further information for these positions

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Councillor Lally on the motion, stated that they can't specifically cancel a position. The Council can decide not to fund it, but the department can still take money in their budget and put it towards that position.

Adopted by a hand vote, nine members present with eight voting in the affirmative. Councillor Lally voting in the negative. Councillors Cruise and Monahan absent.

Councillor Farwell motioned to amend the Law Department Ordinary Maintenance Services by \$198,469 the appropriation in that account is reduced from \$895,688 to \$697, 219 and was properly seconded by Councillor Beauregard. The motion carried by a hand vote nine members present with seven voting in the affirmative. Councillors Asack and Lally voting in the negative. Councillor Cruise and Monahan absent.

A two minute recess was called.

Back in session.

Council President stepped down and Councillor Eaniri stepped in as president.

- Councillor Farwell motioned to amend the Public Property Capital Overlay account by \$120,000 the appropriation in that account is reduced from \$120,000 to zero and was properly seconded by Councillor Sullivan. Councillor Farwell stated that most residents don't know the location of the DA's office, and that moving departments would interfere with their work as they interact with each other. With Ganley building scheduled to be demolished traffic would be congested.

Councillor Rodrigues motioned to amend the Law Department Personal Services other than Overtime account by \$433,324 the appropriation in that account is reduced from \$895,688 to \$462,364 and was properly seconded by Councillor Beauregard. She stated that they are out of control with consultants.

Councillor Sullivan, on the motion, stated that the Law Department has to be funded for more expensive staff. We have good people, but we still need more staff.

The motion carried by a hand vote nine members present with seven voting in the affirmative. Councillors Asack and Lally voting in the negative. Councillor Cruise and Monahan absent.

- Councillor Farwell motioned to amend by reducing the DPW Water Enterprise Account, Water Contract Services account by \$839,721 the appropriation in that account is reduced from \$5,791,180 to \$4,951,459 and was properly seconded by Councillor Beauregard. Councillor Farwell stated that if you do the math, you will see that they are not pumping what they should be. It is 14.5% less than what they are supposed to be pumping. The reduction is 14.5% of what is recommended for the appropriation. They need to meet their obligation. He hopes they litigate this matter and we will have a final determination if they meet their responsibilities. We still have the funding if we need to pay them.

Adopted by a roll call vote taken by "yeas" and "nays"; nine members present with five voting in the affirmative. Councillors Asack, Eaniri, Lally and Sullivan voting in the negative. Councillor Cruise and Monahan absent.

Councillor Nicastro stated that she has a few amendments. She noticed that there are a few vacant unfunded positions.

The CFO stated that he has left the format the same as previous years, as the council is used to the format. He will be working to correct any problems going

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forward. He stated that vacant unfunded is a position that was unfunded previously.

Councillor Lally as a point of information stated that it could just be a scrivener's error.

The CFO stated that the budget is fiscally conservative and that the positions are necessary and important.

Councillor Nicasastro motioned to amend the DPW-Engineering-Personal Services-Other than Overtime account by \$167,741 the appropriation in that account is reduced from \$577,676 to \$409,955 and was properly seconded by Councillor Beauregard.

Councillor Sullivan, on the motion, questioned if this was for the 3 positions that haven't been approved through council?

Councillor Nicasastro stated that this is correct.

The motion carried by a hand vote nine members present with seven voting in the affirmative. Councillors Asack and Lally voting in the negative. Councillor Cruise and Monahan absent.

Councillor Nicasastro motioned to amend the Human Resources Personal Services other than Overtime, Vacant Unfunded, account by \$114,092 the appropriation in that account is \$220,732 to \$106,640 and was properly seconded by Councillor Beauregard.

Councillor Farwell, as a point of information stated that it should be reduced from \$384,560 to \$270,468.

- On the motion, Councillor Farwell did not recommend the Assistant Director position. He is not in favor of doing something against what the Collins Report suggested for the Human Resources Department. The report did not call for an Assistant HR Director.

The motion carried by a hand vote nine members present with eight voting in the affirmative. Councillor Lally voting in the negative. Councillors Cruise and Monahan absent.

- Councillor Farwell motioned to amend by reducing the DPW , Sewer Enterprise Account-Personal Services-Other Than Overtime account by \$9,035. The appropriation in that account is reduced from \$1,513,853 to \$1,504,818 and was properly seconded by Councillor Beauregard.

The motion carried by a roll call vote taken by "yeas" and "nays"; nine members present with six voting in the affirmative. Councillors Eaniri, Lally and Sullivan voting in the negative. Councillors Cruise and Monahan absent.

Councillor Farwell motioned to amend by reducing the DPW, Water Enterprise Account, Personal Services-Other Than Overtime account by \$10,000. The appropriation in that account is reduced from \$2,682,233 to \$2,672, 233 and was properly seconded by Councillor Beauregard.

The motion carried by a roll call vote taken by "yeas" and "nays"; nine members present with five voting in the affirmative. Councillors Asack, Eaniri, Lally and Sullivan voting in the negative. Councillors Cruise and Monahan absent.

Councillor Farwell motioned to amend by reducing the Police Department Personal Services-Overtime account by \$300,000. The appropriation in that
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account is reduced from \$1,390,414 to \$1,090,414 and was properly seconded by Councillor Sullivan.

Councillor Farwell stated that we have 25-26 patrol positions that are vacant. They have money to move around in their budget. They can also come back and request funds. The council asked that a car be designated for patrolling the city for nuisances, noise, fireworks, etc. and the Chief said they couldn't designate a car for that.

On the motion, Councillor Sullivan said when they questioned the chief, he understood that the council has to make cuts. Over 1 million dollars is more than sufficient for overtime.

The motion carried by a roll call vote taken by "yeas" and "nays"; nine members present with six voting in the affirmative. Councillors Asack, Eaniri and Lally voting in the negative. Councillors Cruise and Monahan absent.

Councillor Farwell motioned to amend the Mayor's Office department Ordinary Maintenance-Out of State Travel account by \$3,540. The appropriation in that account is reduced from \$8,540 to \$5,000 and was properly seconded by Councillor Beauregard.

The motion carried by a roll call vote taken by "yeas" and "nays"; nine members present with all voting in the affirmative. Councillors Cruise and Monahan absent.

A recess was called.

Back in session.

The question is on the amendments, a reduction of \$2,315,922. The amendments carry, by a roll call vote taken by "yeas" and "nays"; nine members present with all voting in the affirmative. Councillors Cruise and Monahan absent.

The question is on the Budget as amended.

Adopted, as amended, by a roll call vote taken by "yeas" and "nays"; nine members present with all voting in the affirmative. Councillors Cruise and Monahan absent.

All other related matters

272 Report of the Public Safety Committee for its meeting of June 5, 2019

Accepted and placed on file.

Petition of In Good Health, Inc., 1200 West Chestnut St., Brockton, MA for a Retail Marijuana License at 1200 West Chestnut St., Brockton, MA, David Noble, President. The license is for retail, manufacturing and cultivation. The owner of the property is MNP Realty Trust. (FAVORABLE, with a request for the item to be heard on June 17, 2019 at the Special City Council Meeting, by a motion of Councillor Monahan, and seconded by Councillor Derenoncourt. The motion carried unanimously).

Councillor Farwell motioned to take the petition out of order and was properly seconded. The motion carried by a hand vote.

Council President asked if anyone was here in favor.

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Attorney John McCluskey appeared in favor. No one was in opposition. Hearing held.

Councillor Eaniri spoke, as the business is located in his ward, Ward 3. He stated it is the first recreational marijuana facility in Brockton. He urged his colleagues to vote in favor, as it is the law and it is time to move forward and to have some revenues for the city.

Granted by a roll call voted taken by “yeas’ and “nays”; nine members present and all voting in the affirmative. Councillors Cruise and Monahan absent.

Councillor Farwell motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Adjourned 7:13pm